

### **REMARKS/ARGUMENTS**

Applicant has further amended claim 1 to indicate that the entire bent sheet is air impermeable, so that inhaled air in a direction along the contour of the gap (26), tangential to the face of the wearer, is established during inhalation.

Applicant appreciates the withdrawal of the Section 112 and Section 102(e) rejections stated in the previous Office Action.

Claims 1-6 are now rejected under 35 U.S.C. § 103 over a combination of the patents to Gelinas in view of Montesi. The Examiner states that a gap, such as gap 26 in Applicant's claim 1, is shown or suggested in Montesi, Fig. 3, as a gap/space between a mask 12 and an air impermeable shield 14. For that reason, the Examiner says it would be obvious to modify the respiratory mask of Gelinas in view of the teachings of Montesi to make Applicant's claims obvious. Reconsideration is requested.

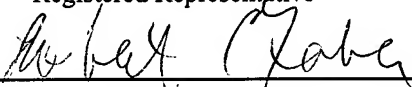
The Examiner appears to have incorrectly described the function of the frame (14) of the reference to Montesi. Unlike the air impermeable bent sheet of this invention, the frame (14) of Montesi is comprised by an outer perimetral flange (20) that is interconnected by ribs (24), thereby providing air flow channels between adjacent pairs of the ribs (column 4, lines 13-16, and Figs. 3 and 4). An exhalation valve (26) and an inhalation valve (34) are supported on the central ring (22) (column 4, lines 18-20). The frame (14) is provided with a filter retainer member (42) for holding the filter member (44), and the filter retainer member (42) is sufficiently perforated to provide minimal impedance to air flow through the filter member (44) (column 4, lines 37-46). The only route for air inhaled through the filter member (44) is through the channels provided between the ribs (24) (column 5, lines 35-37). Hence, according to the teaching of Montesi, with the use of the frame (14), inhaled air is allowed solely in a normal direction relative to the face of the wearer, which teaches away from the present invention. As a result, the combined teachings of Montesi with the principal reference to Gelinas teach nothing about the use of the air impermeable bent sheet of claim 1. Hence, amended claim 1 is allowable over the cited art.

Accordingly, claims 1-6 are allowable and their allowance is requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 29, 2006:

Robert C. Faber

Name of applicant, assignee or  
Registered Representative

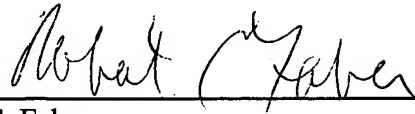


Signature

March 29, 2006

Date of Signature

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

RCF:mjb